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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,730	08/01/2001	Jaijit Bhattacharya	JP920010122US1	4333

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McGINN & GIBBS PLLC
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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,730

Applicant(s)

BHATTACHARYA, JAIJIT

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001 and 10 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 are presented for examination.
2. Claim 4 is objected to because it is unclear what is being appended to the message [see item (i) of claim 4].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-7 are rejected under 35 USC 102(a) as being anticipated by Fernandez, et al. (hereafter "Fernandez") [WO 99/65256].
5. Fernandez is cited from Applicant's IDS filed on 1/10/2003.

Art Unit: 2154

6. As to claim 1, Fernandez teaches the invention as claimed including a method of providing a support service for a messaging system [Abstract; Figs. 1-2], the method comprising the steps of:

(a) receiving a message for a user [Abstract];

(b) sending a notification to the user informing the user of receipt of the message [page 4, lines 28-30]; and

(c) receiving one or more predetermined directions from the user in response to the notification to the user, each of the directions instructing one or more correspondingly predetermined actions in relation to the message [page 5, lines 1-15].

7. As to claim 2, Fernandez further teaches that the user can access the message from a first device [e.g., 62, Fig.2], and the user receives the notification using one or more second devices different from the first device [66, Fig.2; page 11, lines 18-23; i.e., after receiving the notification for an incoming email, the user always has an option to access the email via the conventional method, i.e., via a subscriber's browser].

8. As to claim 3, Fernandez further teaches that the user is connected with a first communications network [84, Fig.2; i.e., the notification is obtained via a short text message network], and the message is received from a second communications network different from the first communications network [92, Fig.2; i.e., when the user request for voice delivery of the message via an IVR server, or alternatively when the

Art Unit: 2154

user chooses to view the email via a subscriber's browser on a PC, the second network would be the Internet].

9. As to claim 5, Fernandez teaches that the method further comprises the steps of (i) generating summary information based on the content of the message; and (ii) including the summary information in the notification to the user [page 6, lines 2-4].

10. As to claims 6-7, since the features of these claims can also be found in claims 1-3 and 5, they are rejected for the same reasons set forth in the rejection of claims 1-3 and 5 above.

11. Claims 1 and 4 are rejected under 35 USC 102(a) as being anticipated by French-St.George [EP 0938213A2].

12. French-St.George is cited from Applicant's IDS filed on 1/10/2003.

13. As to claim 1, French-St.George teaches the invention as claimed including a method of providing a support service for a messaging system, the method comprising the steps of: (a) receiving a message for a user; (b) sending a notification to the user informing the user of receipt of the message; and (c) receiving one or more predetermined directions from the user in response to the notification to the user, each

Art Unit: 2154

of the directions instructing one or more correspondingly predetermined actions in relation to the message [see Abstract; col.14, lines 32-44].

14. As to claim 4, French-St.George further teaches that the predetermined actions include forwarding the message to one or more third parties [paragraph 105; note that R2 reads on the claim because only one or more of the listed items to be satisfied].

15. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and


(571)273-3969 for status inquires draft communication.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

December 8, 2004



12/8/04